

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**UNITED STATES OF AMERICA )**

**JAMES MACHADO,  
Defendant**

**Criminal No. 04-10232-RWZ**

## **NOTICE OF APPEAL**

Notice is hereby given that the United States of America (the prosecution in the above-captioned case) hereby appeals to the United States Court of Appeals for the First Circuit from the district court's (Zobel, J.) November 3, 2005 Memorandum of Decision and Order and Judgment (both entered on the docket on November 3, 2005), which granted the defendant James Machado's motion to dismiss and dismissed the indictment against him, and from the district court's March 3, 2006 order denying the Government's Motion for Reconsideration of Court Order Granting the Defendant's Motion to Dismiss Information (docketed on March 3, 2006).

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By: s/ Glenn A. MacKinlay  
GLENN A. MACKINLAY  
Assistant U.S. Attorney

Certificate of Service

I, Glenn A. MacKinlay, hereby certify that I have caused a copy of this notice to be served by first-class mail on

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on March 7, 2006.

s/ Glenn A. MacKinlay  
Glenn A. MacKinlay  
Assistant U.S. Attorney